

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MOUNTAIN SUMMIT FINANCIAL, INC.,

Plaintiff,

v.

PANGEA PAYMENT SOLUTIONS, et al.,

Defendants.

Case No. [19-cv-01036-SI](#)

**ORDER GRANTING MOTION TO
STAY**

Re: Dkt. No. 43

On August 9, 2019, plaintiff Mountain Summit Financial, Inc. (“MSF”) filed a motion to stay pending an outcome in plaintiff’s arbitration with former defendant Zipmark Inc. Having reviewed the papers the Court finds this matter appropriate for resolution without a hearing pursuant to Local Rule 7-1(b) and VACATES the hearing set for September 20, 2019. The Court GRANTS plaintiff’s motion for a stay and also VACATES the August 16, 2019 case management conference.

Plaintiff filed the instant action on February 25, 2019. Dkt. No. 1. On July 1, 2019, the Court approved the plaintiff and Zipmark’s stipulation to dismiss Zipmark and resolve the dispute between the two in arbitration. Dkt. No. 35. On July 31, 2019, the Clerk of the Court entered default as to the remaining defendant Pangea Payment Solutions for failure to timely answer or otherwise respond to MSF’s complaint. Dkt. No. 42. Plaintiff now seeks a stay with respect to its case against Pangea Payment Solutions pending the arbitration between plaintiff and Zipmark. Dkt. No. 43.

The Court can, at its discretion, stay proceedings against non-arbitrating parties pending arbitration between plaintiff and other parties. *SST Millennium LLC v. Mission St. Dev. LLC*, No.

1 18-CV-06681-YGR, 2019 WL 2342277, at *4 (N.D. Cal. June 3, 2019). The factors courts consider
2 when granting such a stay include: (1) the possible damage of granting such a stay; (2) the hardship
3 or inequity suffered from denying the request for a stay; and (3) the orderly course of justice
4 measured in terms of simplifying or complicating issues, proof, and questions of law as a result of
5 the stay. *Id.*

6 All factors here favor a stay and it shall be so entered – plaintiff’s motion is GRANTED.
7 The case management conference currently set for Friday August 16, 2019 is vacated.

8
9 **IT IS SO ORDERED.**

10 Dated: August 13, 2019



SUSAN ILLSTON
United States District Judge